

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	15/01/2021
Planning Development Manager authorisation:	SCE	19.01.2021
Admin checks / despatch completed	ER	20.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	20.01.2021

**Application:** 20/01811/NMA **Town / Parish:** Mistley Parish Council

**Applicant:** Mr and Mrs R Southernwood

**Address:** 102 Harwich Road Mistley Manningtree

**Development:** Non Material Amendment for approved application 19/01499/FUL to change approved cladding to matching brick on all elevations.

1. **Town / Parish Council**

Not required

2. **Consultation Responses**

Not applicable

3. **Planning History**

19/01499/FUL	Proposed single storey rear extension and alterations.	Approved	16.12.2019
20/01811/NMA	Non Material Amendment for approved application 19/01499/FUL to change approved cladding to matching brick on all elevations.	Current	

4. **Relevant Policies / Government Guidance**

Not applicable

**Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination

of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.

## **5. Officer Appraisal (including Site Description and Proposal)**

From 1st October 2009 a new provision under Section 96A of the Town and Country Planning Act came into force allowing a Local Planning Authority, on application, to make a change to any planning permission if it is satisfied that the amendment proposed is non-material.

The key test as to the acceptability of an application for a non-material change is whether the change is material to any development plan policy. If the answer is 'no', three further tests should be applied:

1. Is the proposed significant in terms of its scale (magnitude, degree etc.), in relation to the original approval?
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?

### Appraisal

The proposal comprises of the following amendment to planning approval 19/01499/FUL

-Change of materials from cladding to brick.

The degree of change being proposed compared to the original approval would not be significant in terms of the overall appearance of the development. The proposed change will be to the approved extension to the rear with the majority of it being screened by the host dwelling. It is considered that any views of the proposal from the streetscene would be minimal and would not contravene the appearance and character of the existing house or streetscene.

The proposal will be visible to the neighbouring properties however the size of the proposal has not been increased and therefore the change of materials would not result in a loss of residential amenities to them.

### Conclusion

In this instance it is considered the amendments being sought are minor and are therefore acceptable as a non-material amendment to the approved plans attached to 19/01499/FUL.

## **6. Recommendation**

Approval Non Material Amendment

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: 1812/882-102 Revision E.

Reason - For the avoidance of doubt and in the interests of proper planning.

## **8. Informatives**

Not Applicable